



THE ACT REPORT

VOLUME 3, NUMBER 12

A PUBLICATION OF THE AFFILIATED CONSTRUCTION TRADES FOUNDATION

DECEMBER, 1994

Hampton Hit With Charges By ACT Locals

ACT local unions have hit Hampton Inn with unfair labor practice charges.

Members of Iron Workers Local 301, Carpenters Local

Construction Trades Council staged a series of protests last month with more than 100 building trades members picketing the job site.

'The workers are claiming the contractor, Construction Concepts, refused even to consider hiring union workers for the job.'

1207, Operating Engineers Local 132, and IBEW Local 466 filed unfair labor practices in mid-December with the National Labor Relations Board (NLRB) over Hampton Inn's project in Charleston.

The workers are claiming the contractor, Construction Concepts, refused even to consider hiring union workers for the job.

The unions also believe the company has committed a host of other violations of state laws and regulations.

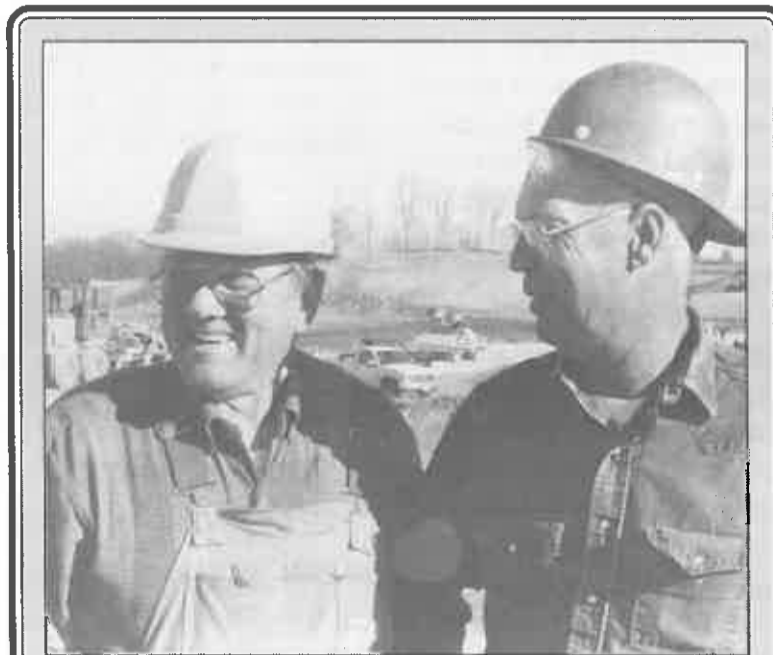
The Charleston Building and

"We think it's unfair that a \$4.5 million project is going up right here and no contractors are from West Virginia," said Bubby Casto, business manager for the trades council.

"Our picket forced the company to come up with job applications.

"Once our applications were in, our members were entitled those jobs," Casto said.

"All we want to know is why local union construction workers can't get a job on this project, and it's time we got some answers."



STARRING IN THE NEW ACT television commercial are Harold Powell of Carpenters Local 302 and Larry Childers of Ironworkers Local 769. The commercial is the latest in a series highlighting local building trades members.

Grant Hospital Problems Continue

The problems with the \$6.5 million Grant County Hospital project continue to go unresolved.

They began when Steve Montoney, ACT's northern representative, discovered the project was not put out to bid.

Montoney said that when he questioned the lack of a bid-

The Grant County Hospital is being built on county property with \$2.4 million raised through a local tax levy.

ding process, he was told it was "what they call a negotiated contract."

The Grant County Hospital is being built on county property with \$2.4 million raised through a local tax levy.

"Obviously, this is a public project that should be put out to bid," Montoney said.

A meeting with the Grant County Commission in mid-December is scheduled. Montoney plans to ask about the lack of a bidding process.

Continued on page 2

Two State Councils Gain New Leaders

Two building trades councils in West Virginia have recently seen a change of leadership.

Charlie Finkenbinder retired after 12 years service as business manager of the North Central Building and Construction Trades Council, which covers

19 counties in the Eastern Panhandle and Central West Virginia.

Finkenbinder hands over the reins to Rick Williams.

And Sam Davis recently replaced Steve Crum as business manager for the Parkersburg-Marietta Building and Construction Trades Council.

Finkenbinder has been a member of IBEW Local 307 of Cumberland, MD, for the last 42 years.

He is currently working two days a week for the council in the Eastern Panhandle counties of Morgan, Berkeley, and

Continued on page 3



JUST COMPLETED DAMON'S \$1 million remodeling project in Huntington. This is just an example of the many private projects using local union labor.

Inside The ACT Report

'ACT Six Mission' Pg. 2

Behind The Scenes Pg. 2

DEP Fights EPA Pg. 3

Prevailing Wage Pg. 3

Happy Holidays Pg. 4

Industrial Sector Pg. 4

Grant Hospital

Continued from page 1

"We want to get this project straightened out at the start," he said.

The hospital asked for estimates from four area contractors for an additional parking lot. The lowest bid was from

"We're seriously questioning the fact that the hospital has employees trained to operate heavy equipment."

Gerald Cites Construction, Inc.

"I believe they are renting his equipment and saying the people operating it are hospital employees," Montoney said.

"I feel they're doing this to bypass the prevailing wage laws."

Montoney said he thinks Cites' employees were hired about a week before the project began.

"There's no way they had people working for the hospital trained in how to operate heavy equipment," he said.

The state Division of Labor (DOL) has been contacted and will be investigating the charges immediately.

"If the hospital has its own employees working on a project, then it doesn't have to pay prevailing wage," he said.

"But we're seriously questioning that the hospital has employees trained to operate heavy equipment."

Montoney said it was for this project and the Pocahontas County hospital that Sen. Walt Helmick asked the DOL to lower the prevailing wage.

"I guess since the DOL wouldn't lower it they looked for a way to get around it."

'ACT Six Mission' Seeks Trus Joist Job Information

A group of six construction workers, along with ACT's northern representative Steve Montoney, went to the offices of Trus Joist MacMillian (TJM) on an "information seeking mission" in early December.

Members of Sheet Metal Workers Local 33, IBEW Lo-

county commission and she knew who I was.

I asked her 'How do I get a job here?'

"She didn't say a word.

She just went straight to the plant manager, and brought him out."

Lynn Comora, the TJM plant manager, told them there was

said.

Montoney has since been contacting contractors to get them to send TJM their applications.

"I'm not so sure this isn't something to shut us up," Montoney said.

"It sounds like the same old song and dance to me.

"When we walked in carrying that video camera the secretary recognized me. I asked her 'How do I get a job here?' She didn't say a word. She just went straight to the plant manager, and brought him out." ACT's Steve Montoney

cal 596, Boilermakers Local 667, along with B.B. Smith of ACT participated.

"When we walked in carrying that video camera the secretary recognized me," Montoney said.

"She had worked for the

more work to be done and more contracts would be bid soon.

"He said they were looking for people to bid some electrical and plumbing work.

"And he said they needed millwrights for some welding work to be done," Montoney

"But we're not going to leave them alone."

A partial list of the contractors at the TJM plant include:

◆ Breckenridge Corp. of Buckhannon (concrete).

◆ Valley General of Fair-

Continued on page 4

Developments Slow... But Things Do Happen!

Behind-The-Scenes ACT Legal Work

Behind the scenes at ACT there's a lot of legal work the members don't know about.

Once a case enters the legal system, it can either remain tied up for a long period of time or move along at a rapid pace.

The following are some of the cases that ACT's attorneys are currently working on.

Some have had recent developments, some not.

But all are important cases the membership should be aware of.

ACT versus Dupont of Belle

ACT appealed a permit by the West Virginia Department of Environmental Protection (DEP) to the company because the permit was in violation of

the Clean Water Act by allowing a large amount of cyanide to be released into a stream.

The Environmental Quality Board upheld DEP action maintaining the permit writer exercised the proper amount of inquiry in writing the permit. ACT plans to appeal.

ACT versus Federal Bureau Of Investigations

A status conference was held before a federal judge regarding the certified payrolls requested by ACT.

The judge signed an order directing the FBI to disclose the actual owner of the building and the status of the response to the Freedom of Information Act.

ACT will file a motion based on a decision which established the right of unions to access certified payrolls.

ACT versus Blackhawk Construction Co.

ACT filed complaints in Harrison County against this company for failure to properly clarify and pay the appropriate wage rate to seven workers.

In its action, ACT also alleged unlawful termination of employment when the workers asked to be properly classified and paid accordingly.

ACT is currently trying to obtain payroll information from Hyman Construction Co. at the FBI complex to verify the em-

ployees' statements.

ACT versus Union Carbide, South Charleston

This case is an appeal of two permits issued by the DEP's Office of Air Quality (OAQ) to Union Carbide.

The primary issue in the appeal is whether the regulations found in Rule 14, pertaining to the major sources of pollution, apply to the permits.

In the past the OAQ has permitted each unit of a company's factory as though it is an individual factory, rather than permitting the entire facility as a unit under Regulation 14.

The result of the erroneous permitting practices of the agency is to allow a greater

increase in the emission of air pollutants.

ACT filed an appeal maintaining the Union Carbide plant should be considered as one complete entity rather than several small generators of pollution.

Other ACT Legal Activities

Some other cases ACT is currently working on are:

ACT v. Apple Grove Pulp and Paper Mill, ACT v. Georgia Pacific, ACT v. Trus Joist MacMillian, ACT v. Regional Jail, ACT v. VanKirk and West Virginia Division of Highways, Dept. of Transportation, and ACT v. Upshur County Development Authority.



CHARLIE FINKENBINDER RETIRES after 12 years, as Business Manager for North Central Building and Construction Trades Council. He receives a plaque from Roy Smith of the West Virginia State Building and Construction Trades Council.

When Government Agencies Award Contracts

Prevailing Wage Law Applies To Some Private Construction

Prevailing wage law applies to all contracts awarded by state or federal agencies even if they are for private organizations.

But evidently not all public officials known this.

When Steve Montoney, ACT's northern representative,

Urban Development (HUD).

"The application says prevailing wage guidelines will be followed," he said.

He said the money is actually a special purpose grant from HUD, which is federal money channeled through another direction.

money is coming from I know how to fight them.

"When they get federal money for projects, even if they are private schools they must pay prevailing wage. It's as simple as that," Montoney said.

A meeting is scheduled for mid-December when Mon-

"When they get federal money for projects, even if they are private schools they must pay prevailing wage. It's as simple as that." ACT's Steve Montoney

began looking into the new child care facility to be built on the campus of West Virginia Wesleyan in Buckhannon, he was told that prevailing wage laws did not apply because it was a private school.

Montoney, however, decided to investigate further.

"Kay Klausewitz, the director the Child Development Center of Central West Virginia, told me there was no money from federal sources," Montoney said.

"I kept checking and was finally given a copy of their grant application to the US Department of Housing and

"It was the same deal with Davis and Elkins, when they got some money through HUD.

"They told me there was no federal money, that it was a private school, and they didn't have to pay prevailing wage.

"Now that I know where this

tony plans to confront the facility officials and ask why they aren't going to pay prevailing wage on the project.

Klausewitz has said construction of the 9,000-square-foot building should start in March.

DEP's Callaghan Fights EPA Over Study

West Virginia Division of Environmental Protection (DEP) Director David Callaghan is trying once more to block efforts to determine the level of dioxin in the Ohio River.

Callaghan has repeatedly

fought for a dioxin producing pulp and paper mill for Apple Grove in Mason County.

Callaghan has taken on Alvin Morris, director of the Water Management Division for Region III of the U.S. Environmental Protection Agency.

Two State Councils

Continued from page 1

Jefferson.

"We're monitoring some jobs for prevailing wage and we're working closely with the West Virginia Division of Labor," Finkenbinder said.

Even though he is still working during his retirement, Finkenbinder said he plays a lot of golf and he and his wife plan to do some traveling.

Finkenbinder said when he looks back on his career, "I think probably the biggest accomplishment is the working relationship we have within the building trades.

"Everyone here in West Virginia is under the building trades system.

"I think that the building trades of West Virginia is as good as, if not better than, any state in the union.

"Needless to say I'm very proud of our state organization."

When asked if he thought the good working relationship North Central now has with ACT would continue, Finkenbinder said "I would hope it would even improve.

"I think that ACT, along with the building trades, is the salvation of the construction industry as we know it."

At the Parkersburg-Marietta Building and Construction Trades Council, Davis began his new job on Sept. 1, replacing out-going Crum.

Crum had replaced retiring John Seafler in April.

Davis, of Marietta, OH, has been a member of Laborers Local 639 for 34 years. His

father was a business manager for the Laborers for 28 years.

"I was part of the original group that brought Parkersburg and Marietta together to become one building trades council 14 years ago," Davis said.

"I spent 12 years with the labor council, five years in the field and five years getting the

"We've got to get involved in politics. Just look at the last election. Our members are either not educated in politics or are taking what we tell them the wrong way."

*Sam Davis,
Parkersburg-Marietta*

labor management committee together.

"But I think it's been a pretty smooth transition.

"Steve Crum had been here for a long time as an organizer before he took over for John (Seafler). I couldn't have asked for a better person to show me the new job."

As far as ACT goes, Davis said it's something new to him.

"Until taking over this job, I hadn't had a chance to get familiar with it," he said.

"We've got to get involved in politics. Just look at the last election. Our members are either not educated in politics or are taking what we tell them the wrong way.

"We need to open up a line of communication to show them that labor always has a role in politics.

Morris wants the DEP to conduct a study at three Ohio River locations to determine the river's level of dioxin before approval is granted to the mill.

Throughout what now totals a three-year-plus fight,

Callaghan has:

■ Accused ACT of opposing the paper mill only in an effort to win union construction jobs. ACT, meanwhile, has said while it wants union jobs its only opposition to the

Continued on page 4

Industrial Sector Construction Busy And Watching

Much has been happening recently in the industrial sector of the construction industry according to Bill Thomas, ACT's Industrial Representative.

Rust Engineering, Inc. of Birmingham, AL, was awarded

"Weyerhaeuser has publicly vowed that at least 70 percent of the workers will be local."

*Bill Thomas
ACT Industrial Rep.*

the engineering contract for the Weyerhaeuser project in Braxton County.

A Rust spokesperson, T.C. Smith told Thomas if the company gets the construction contract they will discuss the hiring process with the building trades.

Thomas said ACT remains uncertain of the owner's intentions "because of the lack of information we've been able to obtain from the company.

"On the other hand, Weyerhaeuser has publicly vowed that at least 70 percent of the workers will be local."

The award for the \$5 million building shell is due the end of December. The bid for the remainder of the \$100 million project is scheduled to be awarded in early spring.

Thomas has also been working closely with Appalachian Power Co. on the high voltage power line being considered for southern West Virginia.

Thomas said he thinks the power line, if approved by the public, would create more jobs in the long run.

It would enhance the possibility of a new coal-fired power plant being built in the state.

Thomas said one of his goals for 1995 is to get ACT's membership more involved with the Construction Organizing Membership Education Training program (COMET).

COMET focuses on the advantages organizing plays for construction union members.

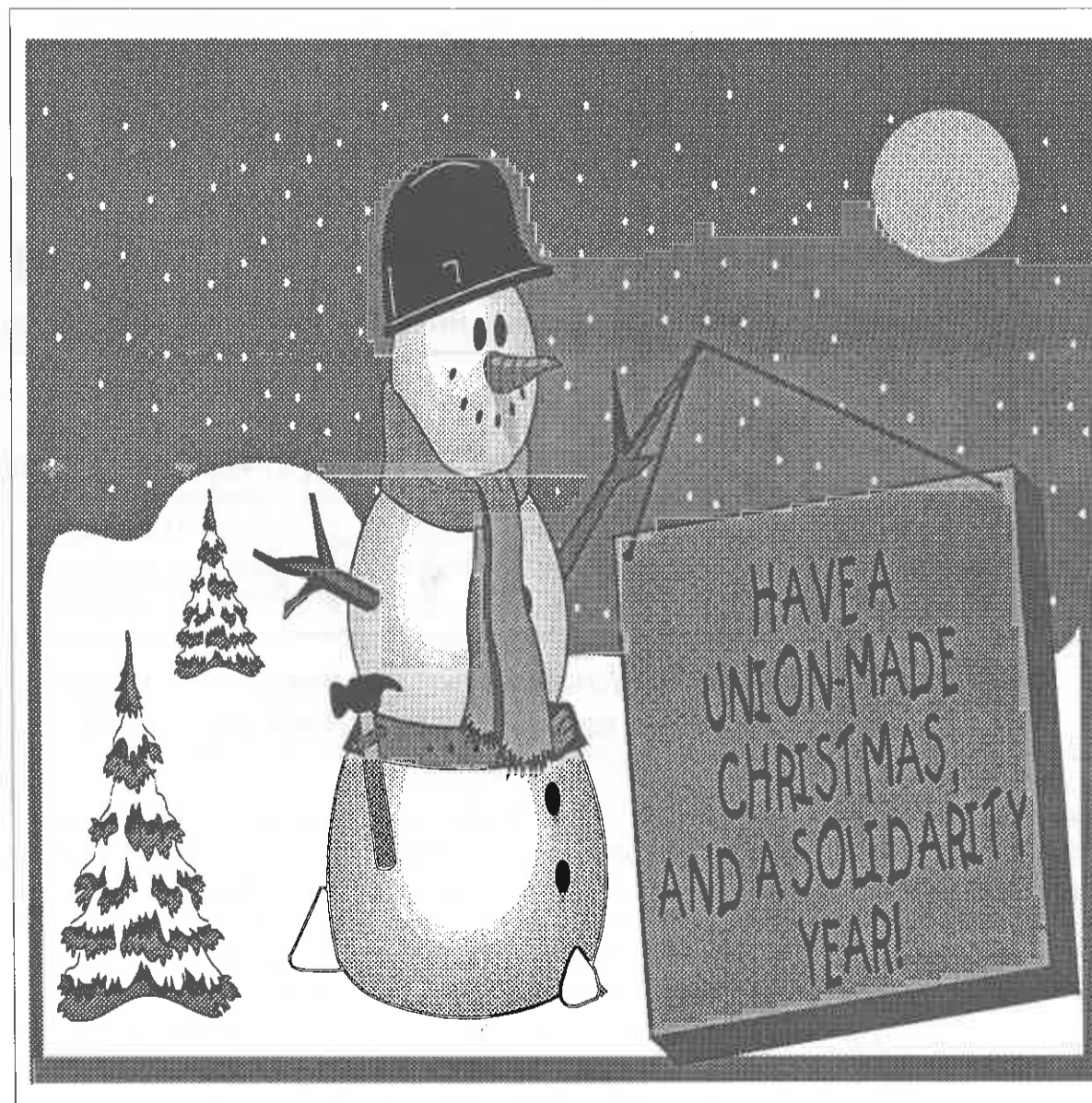
Callaghan

Continued from page 3
mill is based on local hiring and environmental reasons.

■ Accused The Charleston Gazette and environmentalists who have expressed concern about deadly dioxin levels in the Ohio River of being "extremists."



BUILDING WITH UNION LABOR, Roy Smith Secretary of West Virginia State Building and Construction Trades Council joins APCO officials at the groundbreaking ceremonies for the company's new \$10 million North Charleston Operations Service Center.



'ACT Six Mission'

Continued from page 2

mont (steel work).

◆ WPS Industries Inc. of Louisiana (sheet metal).

◆ Grinnell Fire Protection Systems of Columbus, Ohio, (sprinklers).

◆ Geka, Inc. of Atlanta, Georgia, (fire brick).

◆ Battle Ridge, Inc. of Charleston (site prep).

◆ Mountaineer Resources of Fairmont (welding).

The ACT Report

A monthly publication of the Affiliated Construction Trades Foundation, an association of West Virginia building and construction trades local unions, with offices in Charleston and Clarksburg.

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